

The Honorable Barbara Jacobs Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARNEST JAMES UJAAMA,

Defendant.

NO. CR 02-0283 R

DEFENDANT'S SENTENCING  
MEMORANDUM

**I. STATEMENT OF THE CASE**

On July 22, 2002, the defendant Earnest James Ujaama was arrested by federal authorities in Denver, Colorado on a material witness warrant issued out of the United States District Court for the Eastern District of Virginia. Following a detention hearing in United States District Court in Denver, Mr. Ujaama was transported to the Eastern District of Virginia where he remained in custody until his transfer to the Western District of Washington in early September.

On August 28, 2002, Mr. Ujaama was charged by Indictment in United States District Court for the Western District of Washington in Seattle with Conspiracy to Provide Material Support and Resources to a Foreign Terrorist Organization (Count One), in violation of 18

1 U.S.C. §§ 2339(B), 2339(A) and 956(a)(1) and (b); and Using, Carrying, Possessing and  
2 Discharging a Firearm during a Crime of Violence (Count Two), in violation of 18 U.S.C. §  
3 924(c)(1)(A)(iii) and 2.

4 On April 14, 2003, Mr. Ujaama was charged by Superceding Information with a single  
5 count of Conspiracy to violate the International Emergency Economic Powers Act, in  
6 violation of Title 50 U.S.C. § 1705(b) and Title 31 CFR §§ 545.204 and 545.206(b).

7 On April 14, 2003, Mr. Ujaama appeared in Court and pled guilty as charged in the  
8 Superceding Information.

9 This matter now comes before the Court for sentencing.

10 **II. RECOMMENDATIONS**

11 Mr. Ujaama entered a plea agreement with the Government pursuant to Fed. R. Crim.  
12 P. 11(c)(1)(C). Mr. Ujaama has fully complied with his obligations under the plea agreement.  
13 The Government has filed a motion pursuant to USSG § 5K1.1 and 18 U.S.C. § 3553(e)  
14 stating that Mr. Ujaama has provided substantial assistance to the United States in the  
15 investigations of individuals who have committed offenses against the United States.

16 **A. SENTENCE RECOMMENDATION**

17 We join the Government in asking the Court to impose the following sentence: 1)  
18 twenty-four months in prison; 2) three years of supervised release; 3) no fine; and (4) a \$100  
19 penalty assessment.

20 **B. RECOMMENDATIONS REGARDING SUPERVISED RELEASE**

21 The Plea Agreement requires the Government to recommend that Mr. Ujaama's  
22 conditions of supervised release not include any occupational restrictions or limitations upon  
23 his access to computers, computer equipment, and software for personal and occupational use,  
24 except that he may be prohibited from using such occupation or technology to associate with  
25 certain persons. PLEA AGREEMENT at ¶ 10(e). Mr. Ujaama joins in that recommendation.  
26

1 Otherwise, Mr. Ujaama agrees to the additional terms of Supervised Release set out in  
2 paragraph 14 of the Plea Agreement.

3 **C. CREDIT FOR TIME SERVED AND RECOMMENDATION**  
4 **REGARDING PRISON DESIGNATION**

5 We also join the Government's request that Mr. Ujaama receive credit for all time that  
6 he has served in custody from July 22, 2002 through the date of sentencing.

7 Mr. Ujaama also requests that the Court recommend to the Bureau of Prisons that Mr.  
8 Ujaama be designated to serve the remainder of his term of incarceration in a halfway house if  
9 he is deemed eligible by the Bureau of Prisons for designation to such a facility and otherwise  
10 that he be designated to serve the remainder of his term at FDC SeaTac.

11 **D. DISMISSAL OF INDICTMENT**

12 As part of the plea agreement, the Government is also moving to dismiss the  
13 Indictment filed on August 28, 2002. The Defendant has no objection to the Government's  
14 motion.

15 DATED this 3rd day of February, 2004.

16 s/ Peter Offenbecher  
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